

12/8/93

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by and between the State of Missouri at the relation of the Office of the Attorney General for the State of Missouri, the Missouri Department of Natural Resources ("MDNR") and Container Products, Inc. ("Container Products");

WHEREAS, Container Products, Inc., is a Michigan corporation registered in Missouri which owns and operates a manufacturing facility at 2391 Cassens Drive, Fenton, Missouri 63026 ("Fenton facility") which manufactures steel containers;

WHEREAS, Container Products generates hazardous waste in the course of its production processes, and is registered with the MDNR as a generator of hazardous waste and has U.S. EPA Identification No. MOD 003939907;

WHEREAS, on September 10, 1991, pursuant to the authority of sections 260.375.9 and 260.377, RSMo 1986, an inspector of the MDNR conducted an inspection of the Fenton facility to evaluate compliance with the Missouri Hazardous Waste Management Law and Regulations and the Federal Resource Conservation and Recovery Act of 1976, as amended;

WHEREAS, the MDNR inspector observed numerous violations during this inspection which are included in the attached inspection report which is incorporated by reference (Exhibit 1);

WHEREAS, the MDNR issued to Container Products the attached Letter of Warning, No. 91-SL.064, (Exhibit 2) and Notice of Vio-

RCRA RECORDS CENTER

R00151165



lation, No. 2452, (Exhibit 3) which are incorporated by reference;

WHEREAS, on September 28, 1987, pursuant to the authority of sections 260.375.9 and 260.377, RSMo 1986, an inspector of the MDNR conducted an inspection of the Fenton facility to evaluate compliance with the Missouri Hazardous Waste Management Law and Regulations and the Federal Resource Conservation and Recovery Act of 1976, as amended;

WHEREAS, the MDNR inspector observed numerous violations during this inspection which are included in the attached inspection report which is incorporated by reference (Exhibit 4);

WHEREAS, the MDNR issued to Container Products the attached Letter of Warning, No. 87-SL.048, (Exhibit 5) and Notice of Violation, No. 1263, (Exhibit 6) which are incorporated by reference;

WHEREAS, the MDNR seeks to pursue the recovery of statutory civil penalties from Container Products for the alleged violations set forth in the attached inspection reports;

WHEREAS, Section 260.425, RSMo 1986, provides that the MDNR may seek to recover ten thousand dollars (\$10,000.00) per day in civil penalties for each day, or part thereof, that the Hazardous Waste Management Law and Regulations are violated, in addition to other remedies;

WHEREAS, the MDNR and Container Products desire to amicably resolve all claims and penalties arising from the violations included in the attached inspection reports without litigation and without admitting liability or fault;

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the State of Missouri and Container Products agree as follows:

1. The provisions of this agreement shall apply to and be binding upon the parties executing this agreement, their agents, subsidiaries, affiliates, lessees, successors and assigns, including the officers, agents, servants, corporations and any person acting under, through or for the parties agreeing hereto;

2. Container Products agrees to refrain from the use of all paints in its manufacturing processes that contain heavy metals;

3. Container Products agrees to pay eight thousand dollars (\$8,000.00) to the "St. Louis County Treasurer as Trustee for the St. Louis County School Fund" in compromise and satisfaction of all claims which could be made as to the violations set forth in the attached inspection reports. Container Products shall make the payment in the form of a certified check immediately upon the receipt of a fully-executed Settlement Agreement. Container Products shall send the certified check to the Office of the Attorney General, Attention: M. Melissa Manda, Assistant Attorney General, P.O. Box 899, Jefferson City, Missouri 65102-0899;

4. The MDNR and the Attorney General agree not to bring or cause to be brought any civil action against Container Products for civil penalties and damages for violations included in

the attached inspection reports, provided Container Products complies with this Settlement Agreement;

5. Container Products agrees to comply with the Missouri Hazardous Waste Management Law and Regulations and the Federal Resource Conservation and Recovery Act of 1976, as amended, at all times in the future;

6. The State of Missouri and Container Products acknowledge and agree that this is a compromise settlement of disputed claims and that the promises and payments made in consideration for the Settlement Agreement shall not be construed to be an admission of any liability or fault;

7. The State of Missouri and Container Products agree this is an enforceable agreement and MDNR and the Attorney General may take legal action as necessary to enforce its terms;

IN WITNESS WHEREOF, the parties have executed the Settlement Agreement to become effective on the date this Settlement Agreement has been signed by all parties hereto.

CONTAINER PRODUCTS, INC.  
OF

BY: [Signature]

TITLE: GENERAL MANAGER

DATE: 12/2/93

MISSOURI DEPARTMENT  
NATURAL RESOURCES

BY: [Signature]

JOHN A. YOUNG, DIRECTOR  
Division of Environmental  
Quality

DATE: Dec. 8, 1993

JEREMIAH W. (JAY) NIXON  
Attorney General

BY: [Signature]

M. MELISSA MANDA  
Assistant Attorney General


DATE: 12/3/93

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

MEMORANDUM

DATE: December 3, 1993

TO: John A. Young, Director  
Division of Environmental Quality

FROM: Ed Sadler, Director  
Hazardous Waste Program 

SUBJECT: Settlement Agreement with Container Products, Inc.

Please find attached a signed Settlement Agreement from Container Products, Inc. which satisfies all claims of the department for violations discovered during a hazardous waste inspection conducted at the facility on September 10, 1991.

The company is awaiting our review and signature to complete a real estate transaction which transfers ownership of the operation. The company desires to close the sale on or before December 7, 1993, and requests our expeditious reply.

The original penalty calculation amounted to approximately \$41,000. The final settlement is \$8,000. The significant reduction was due to combined factors of an inability to pay and incorporation of pollution prevention projects. The program feels this is a fair settlement in the completion of this matter.

If you have questions, contact Bruce Martin of my staff at 751-3176.

ES:bmd

Attachment



To: HWP

Document No: HWP-1-2003  
Contract/Grant No. \_\_\_\_\_

MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DOCUMENT TRANSMITTAL ROUTING SHEET

DOCUMENT DESCRIPTION: Container Products Settlement Agreement

FOR SIGNATURE OF:

\_\_\_\_ DNR Director    ☒ DEQ Director    \_\_\_\_ DSP Director    \_\_\_\_ DGLS Director  
\_\_\_\_ DE Director    \_\_\_\_ DAS Director    Other: \_\_\_\_\_

LEGAL REVIEW: - Shelley Woods has already reviewed + approved.  
Attorney: \_\_\_\_\_ Date: \_\_\_\_\_  
Comments: \_\_\_\_\_

*Agreement by  
Missouri  
HCO*

FINANCIAL REVIEW - DIVISION OF ADMINISTRATIVE SUPPORT:

DAS Director: \_\_\_\_\_ Date: \_\_\_\_\_  
Receipts & Reporting: \_\_\_\_\_ Date: \_\_\_\_\_  
Purchasing: \_\_\_\_\_ Date: \_\_\_\_\_  
General Services: \_\_\_\_\_ Date: \_\_\_\_\_  
Comments: \_\_\_\_\_

DIVISION APPROVAL: Division Director: JAY Date: 12/8/93  
Comments: \_\_\_\_\_

PROGRAM APPROVALS: Program: HWP Deadline: 1/1

Program Director: Ed Sadler Date: 12-6-93

This document contains only DNR-preapproved terms, conditions and contractual provisions: \_\_\_\_ Yes \_\_\_\_ No    Program Director's certification: \_\_\_\_\_

Other Program approvals: \_\_\_\_\_

ORIGINATOR: Bruce Martin Telephone: 1-7560 Date: 12/3/93

TYPIST: Debra Sessler Document File Name: BM "CP-SA"

**DIRECTIONS:** Use for all documents requiring the Department Director's or a Division Director's signature which have a financial impact (including but not limited to grants, contracts, concession contracts, deeds, leases, licenses, MOUs and MOAs) or legal significance (including but not limited to permits, correspondence, and enforcement matters). Documents which have no financial impact do not require completion of shaded blocks.



## Container Products

Container Products Inc.  
2391 Cassens Drive  
Fenton, Missouri 63026-2502  
(314) 343-7333

December 2, 1993

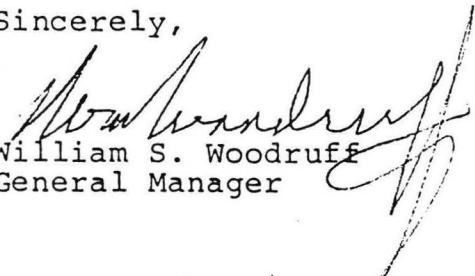
M. Melissa Manda  
Assistant Attorney General  
State of Missouri  
PO Box 899  
Jefferson City, MO 65102-0899

Dear Ms. Manda:

Enclosed please find three signed copies of a settlement agreement between MDNR and Container Products, Inc., and Container Products' check in the amount of \$8,000 representing full settlement of this matter.

Please return one copy of the agreement with all signatures required for our files. We very much appreciate your assistance, as well as Bruce Martin's assistance in expediting the conclusion of this matter.

Sincerely,

  
William S. Woodruff  
General Manager

**CONTAINER PRODUCTS, INC.** 2391 Cassens • Fenton, MO. 63026

INVOICE					
NUMBER	DATE	REFERENCE	GROSS	DISCOUNT	NET AMOUNT
HAZ. WASTE	12/2/93		\$8,000.00		\$8,000.00
NO. 240183	VENDOR NO.				
<b>TOTAL</b>			\$8,000.00		\$8,000.00

EMITTANCE ADVICE - DETACH BEFORE DEPOSITING

**CONTAINER PRODUCTS, INC.**

2391 Cassens  
Fenton, MO. 63026

74-04786  
724

240183

DATE

MANUFACTURERS NATIONAL  
BANK OF ANN ARBOR  
ANN ARBOR, MICHIGAN 48104

12/2/93

AMOUNT

\$\*\*\*\*8000.00

THE  
SUM OF PAY EXACTLY \*\*\*\*\*8000 DOLLARS AND 00 CENTS

PAY  
TO THE  
ORDER OF ST. LOUIS TREASURER AS TRUSTEE  
FOR THE ST. LOUIS COUNTY SCHOOL FUND

AUTHORIZED SIGNING OFFICER

*[Signature]*  
AUTHORIZED SIGNING OFFICER

⑈240183⑈ ⑆072404786⑆ 2176953277⑈